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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of
Yoshinari MORIMOTO

ATTENTION: GROUP DIRECTOR
Technology Center 2800

Group Art Unit: 2853

Application No.: 10/625,778

Examiner: J. HUFFMAN

Filed: July 24, 2003

Docket No.: 116571

For: INK JET PRINTER IN WHICH A BEST TEST PATTERN PRINTED ON A
RECORDING MEDIUM IS AUTOMATICALLY SELECTED

PETITION UNDER 37 C.F.R. 1.181(a) TO WITHDRAW
HOLDING OF ABANDONMENT

Attention: Group Director of Technology Center 2800
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the holding of abandonment be withdrawn because a response was timely filed.

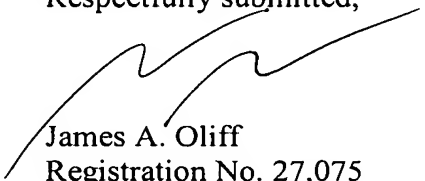
Applicant timely filed an Amendment and a Request for Continued Examination on January 26, 2009, which is two months after the November 26, 2008 decision on appeal from the Board of Patent Appeals and Interferences. Despite the timely filing of the documents, a Notice of Abandonment was mailed the next day (January 27, 2009) stating that the application is abandoned in view of the decision by the Board of Patent Appeals and Interferences. It also appears as if the Notice of Abandonment was prepared on January 21, 2009 even though Applicant has two months from the mailing date of the Decision (i.e., January 26, 2009) to file a reply. Please see the bottom right corner of the Notice of Abandonment where it states that it is part of Paper No. 20090121. The mailing of the Notice

of Abandonment is contrary to 37 C.F.R. §1.198 and MPEP §1214.07, which clearly state that prosecution of the application will be reopened if an Amendment is filed with a Request for Continued Examination.

Attached to this Petition is a copy of the Request for Continued Examination and Amendment filed on January 26, 2009, a copy of the January 26, 2009 date-stamped receipt, and a copy of the Patent Office Image File Wrapper (IFW) that indicates that the Request for Continued Examination and Amendment were timely filed on January 26, 2009.

Applicant submits that no fees are due in support of the above Petition. However, any fees deemed necessary to secure entry and consideration of the foregoing may be charged to Deposit Account No. 15-0461. Please telephone the undersigned at the telephone number listed below if any questions arise in connection with this matter.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Scott M. Schulte
Registration No. 44,325

JAO:SMS/ldg

Attachments:

Copy of January 26, 2009 Amendment
Copy of January 26, 2009 Request for Continued Examination
Copy of Image File Wrapper
January 26, 2009 PTO date-stamped receipt

Date: February 3, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
